

Article - Natural Resources

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§4-711.

(a) A person may not set any pound net or any line of these nets that is greater in length than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or inlet. The length limit provided here shall not be construed to apply to any line of nets running parallel to the bank or shore of any bay, sound, river, creek, cove, or inlet, but no net may be set across the mouth on any tributary, harbor, or navigation channel.

(b) A person may not set at any time a pound net within 4500 feet of another pound net in the Chesapeake Bay and within 1500 feet in a tributary of the Chesapeake Bay, measured at right angles to the line of stakes. Every pound net set licensed in the Chesapeake Bay or one of its tributaries may retain the locations it lawfully occupied on June 1, 1949. Except as otherwise provided by this title, a person may not set at any time a fyke net within 300 feet of a pound net, measured at right angles to the line of stakes. A person may set any fyke net closer to any pound net than the distance provided in this subsection if the owner of the pound net location gives written permission.

(c) Clear and unobstructed intervals of at least 200 feet shall be maintained between successive pound nets in the same row.

(d) A person may not set a pound net in or upon the waters covering leased oyster ground without the permission of the lessee.

(e) The outer end of each line of pound or net stakes shall be marked plainly by a brush or other suitable day marker, readily discernible to indicate the opening between nets. The name of the owner and the license number of each pound or stake net shall be displayed in black letters, at least 2 inches high, on a white background on a stake at the outer end of the pound or line, at a height and in a position as to be seen readily from adjacent navigable channels. The Secretary, after a public hearing, shall promulgate rules and regulations governing the lighting of pound nets.

(f) A single line of stakes, including the pound or head and the leader or hedging, may not have a length greater than the following:

(1) In Chesapeake Bay, south of a line from Sandy Point to Love Point and in the Choptank River from the mouth of the Choptank River to a line drawn from Drum Point to Kate Point — 1500 feet.

(2) In Chesapeake Bay, north of a line from Sandy Point to Love Point and south of line from the northernmost point of Poole's Island to Worton's Point — 1200 feet.

(3) In Chesapeake Bay, north of a line from the northernmost point of Poole's Island to Worton's Point — 1000 feet.

(4) In the tributaries of the Chesapeake Bay except as provided, and in the Potomac River — 1200 feet.

(5) In Chincoteague, Sinepuxent, Isle of Wight, and Assawoman Bays, and their tributaries, and in the Atlantic Ocean within 3 miles of the Maryland shore — 1500 feet.

(6) In Honga River, south of a line drawn from Hickory Point on Middle Hoopers Island to Windmill Point on Aisquith Island — 1500 feet.

(7) In Hoopers Straits — 1500 feet.

(8) In Fishing Bay, south of a line from Point No Point to Department Triangulation Station Cler at southerly side of Gray's Island — 1650 feet.

(9) In the Nanticoke River, south of a line from the southeasterly most point of entrance into Jack's Creek in Dorchester County to Triangulation Station Earle in Wicomico County — 1650 feet.

(g) A person may not drive, maintain, or permit any stake to remain, in any line of stakes or otherwise, unless it projects above the surface of the water at least 3 feet at high tide.

(h) (1) Every licensee shall:

(i) Maintain the licensee's stakes in good condition; and

(ii) Promptly remove and renew any stake that may be unsound, broken, or liable to go adrift.

(2) A licensee may not permit or allow to remain in the water:

(i) Any pound net stake for a period greater than 30 days following the removal of the net from each stake;

(ii) Any pound net or stake for a period greater than 30 days following the discontinuance of fishing of the net; or

(iii) Any pound net or stake between January 1 and January 31 of any year unless the owner of the pound net or stake notifies the Department by certified mail, return receipt requested, that the net is being actively fished.

(3) A licensee who fails to comply with the provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$200 and not exceeding \$1,000 with costs imposed in the discretion of the court.

(4) For a licensee who is convicted twice within 2 years of violating paragraph (1) of this subsection, the Department may suspend the licensee's striped bass authorization in the following year.

(i) Before setting a pound net in accordance with this section and the regulations adopted under subsection (j) of this section, a licensee shall ensure that, at least 7 days before the setting of the net, the Department receives:

(1) Notice from the licensee that the pound net will be set and actively fished; and

(2) A pound net activity registration fee of \$20.

(j) (1) The Department may adopt regulations on the placement of pound or stake nets, including a limit on the number of locations of pound nets that may be assigned to a licensee.

(2) In the regulations adopted under paragraph (1) of this subsection, the Department may impose a limit of up to eight locations of pound nets that may be assigned to a licensee.

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